

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR
PRESIDENT, INC., *et al.*,

Plaintiffs,

v.

KATHY BOOCKVAR, in her capacity
as Secretary of the Commonwealth of
Pennsylvania, *et al.*,

Defendants.

NO. 20-CV-02078-MWB

**DECLARATION OF WILLIAM TURNER, ACTING DIRECTOR
OF CHESTER COUNTY VOTER SERVICES**

I, William Turner, make this Declaration and state as follows:

1. I am of legal age and competent to provide this Declaration.
2. Since August 2020 I have served as the Acting Director of the Chester County Voter Services Department (“Voter Services”).
3. The Chester County Voter Services Department is in charge of elections and voter registration for Chester County. Voter Services, along with the Chester County Board of Elections (the “Board”), sets and enforces policies to administer voter registration and conduct elections in accordance with federal and state voter registration and election laws.
4. Pursuant to the Pennsylvania Election Code, the Chester County Office of the Commissioners constitute the Board of Elections for Chester County. The day to day

operations of the Board and Voter Services, including much of the work described below that is performed in preparation for elections, is conducted by its employees. References below to “the Board” and “Voter Services” include the work of the Board and Voter Services staff in preparation for the election and are not limited to matters on which the Board of Elections and/or Voter Services has reached a formal determination.

5. I hold a Bachelor of Science in Professional Studies-Business Management from West Chester University, and a graduate certificate from Penn State Great Valley in Business Continuity Planning. I am a certified business continuity professional and I have graduated from the National Emergency Management Advanced Academy. I have been employed by Chester County since 2011, initially with the Department of Emergency Services, and more recently with Voter Services.
6. By virtue of my work as Acting Director of Voter Services, I have a thorough knowledge of Chester County’s election procedures and administration and have firsthand knowledge of the Board’s and Voter Services’ preparation for and execution of the pre-canvassing and canvassing of ballots for the General Election in Chester County on November 3, 2020. The information set forth herein is based on my personal knowledge and records created and maintained by Voter Services in the course of its regularly conducted activities.
7. Last year, the state legislature enacted Act 77 of 2019, which significantly changed the requirements for voter registration and elections beginning with the 2020 primary election.
8. Act 77 required for the first time that the Board provide a no-excuse mail-in ballot to voters who are not eligible for absentee ballots. Voters could apply for these ballots

up until October 27, 2020, for the 2020 General Election.

9. Voters can apply for mail-in or absentee ballots online or by paper application.

Under 25 P.S. § 3150.12b and § 3146.2b for mail-in and absentee ballots, respectively, the Board determines the qualifications of the applicant by verifying the proof of identification and comparing the information provided on the application with the information contained in the voter's registration records.

10. Voter Services provided mail-in and absentee ballots only to voters who requested them.

Voter Services provided mail-in and absentee ballots to these voters, along with instructions for filling out and returning the ballots using the two envelopes provided – the inner “secrecy” envelope and the outer “declaration” envelope.

11. The instructions directed voters to complete their ballots, place their ballots in the provided secrecy envelope, then place the secrecy envelope containing their ballot in the provided declaration envelope.

12. There are three general stages of the Board's and Voter Services' handling of absentee and mail-in ballots.

13. First, ballots arrive at the Board.

14. Second, before Election Day and before absentee and mail-in ballots are pre-canvassed and canvassed (*i.e.*, reviewed and counted), the Election Code requires Board/Voter Services staff to conduct some type of processing of each and every absentee and mail-in ballot submission and, without opening the declaration envelope, make a record that the ballot has been submitted: “The district register at each polling place shall clearly identify electors who have received and voted absentee ballots as ineligible to vote at the polling place, and district election officers shall not permit electors who voted an absentee ballot

to vote at the polling place.” 25 Pa. C.S. § 3146.6(b)(1); 25 P.S. § 3150.16(b)(1). The only way for the district register to include information about voters who have already submitted an absentee or mail-in ballot is for staff to review the submissions, without opening the declaration envelopes, before pre-canvassing and canvassing, which may start on Election Day. While processing ballots in this second stage, Voter Services identified potential deficiencies with certain absentee and mail-in ballot submissions.

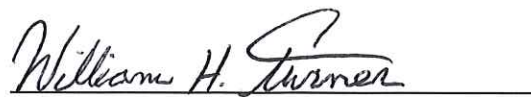
15. Third and finally, on and (to the extent necessary) after Election Day, ballots are pre-canvassed and canvassed, in a process that is distinct from the above-described processing of ballot submissions. Pre-canvassing is “the inspection and opening of all envelopes containing official absentee ballots or mail-in ballots, the removal of such ballots from the envelopes and the counting, computing and tallying of the votes reflected on the ballots.” 25 Pa. C.S. § 2602 (q.1). Canvassing is “the gathering of ballots after the final pre-canvass meeting and the counting, computing and tallying of the votes reflected on the ballots.” § 2602(a.1).
16. During the second stage of the review process, prior to October 28, 2020, Voter Services identified approximately 150 absentee and mail-in ballot submissions with potential deficiencies. Voter Services contacted all of the voters who submitted these ballots (to the extent an email and/or phone number was available in the ballot application or the voter’s registration record) to notify them of the potential deficiency, and that they had the opportunity to cure it prior to or on Election Day. Between October 28, 2020, and Election Day, Voter Services identified another approximately 36 absentee and mail-in ballot submissions with potential deficiencies. On Election Day Voter Services provided a list of the voters who submitted these ballots to the parties so that the parties could

contact the voters and notify them of the potential deficiency, and the opportunity to cure it prior to 8 p.m. on Election Day.

17. As the Acting Director of Voter Services, I helped oversee the pre-canvass and canvass operations at Ehinger Gymnasium at West Chester University that began at approximately 7:00 A.M. on Tuesday November 3, 2020.
18. Under 25 P.S. 3146.8(g)(1.1),(2) one authorized representative of each candidate in an election and one representative from each political party are permitted to remain in the room in which the absentee ballots and mail-in ballots are pre-canvassed and canvassed.
19. Republican, Democratic, and campaign observers were permitted to be present, and were present, throughout the entire pre-canvass and canvass processes.
20. Each stage of the pre-canvass and canvass processes, from the review of the declaration envelope to the scanning of all ballots, occurred within the full, unobstructed view of the campaigns' and political parties' designated observers.
21. At no point on or after Election Day did the Trump Campaign or any other candidate or party file a legal petition or submit any other formal objection or challenge based on the observers' access to the pre-canvassing/canvassing room or the observers' ability to observe the pre-canvass/canvass.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 20, 2020.

A handwritten signature in black ink, reading "William H. Turner", written over a horizontal line.

William Turner